

*What is democracy?*—Democracy is popular sovereignty, or, in Lincoln's phrase, "government by the people," as well as "of" and "for" the people (cf. 1003).

*But what, exactly, is popular sovereignty, or government by the people?*—Popular sovereignty, or government by the people, is two things: (1) that "all members of the political community may legitimately make or contest any political claim"; and (2) that "together as equals, they are the final political authority" (cf. 1009; also 1003).

*What does it mean to be "together as equals"?*—To be together as equals means to be on "the way to action-as-one" by being engaged in "the practice of full and free political discourse" (cf. 1009).

*What is meant by "full and free political discourse"?*—By "full" political discourse is meant discourse in which (1) "no political claim, including any claim for a comprehensive assessment, is [either proscribed or] immune to contestation"; (2) and, "any political claim, when questioned, needs discursive or argumentative redemption." ("Discursive or argumentative redemption" of a claim "means, summarily stated, the giving of reasons that command acceptance of the claim by any citizen who understands the argument." Redemption, or validation, of a claim is thus distinguished from special pleading, wherein "at least one of the considerations or premises advanced is merely assumed or posited, so that acceptance of the claim is not rationally required [of] citizens who do not grant the assumption [or position].") "Free" political discourse means "all have equal standing in the political process, and validation is the proper aim when disagreement occurs, precisely because the sovereignty of each citizen's assessment is equal to that of any other in determining how all will be ruled" (cf. 1010).

*What should "a properly democratic constitution" do and not do, and what does "the ethics of citizenship" involve?*—"A properly democratic constitution should do no more and no less than provide the necessary conditions of common action through full and free political discourse or, as we may also say, the necessary conditions of politics

by the way of reason—and the ethics of citizenship involves nothing more and nothing less than adherence to this democratic way" (cf. 1010).

*What should be included and not included in the "specific constitutional provisions" of a properly democratic constitution?*—The specific constitutional provisions of a properly democratic constitution should include "equal rights to certain private liberties (for instance, the right to life, to control one's own body, and to conscience) and to certain public liberties (for instance, the right to free speech and assembly, to the franchise, to due process, and to equal protection of the laws). These rights define each citizen as always a potential, and sometimes an actual, participant in full and free political discourse." "Because the discourse is political or seeks to order the community as a whole, the constitution must also provide the institutions and offices of decision making through which discussion and debate determine activities of the state, and the basic criterion for [designing] this decision-making is to maximize the measure in which political outcomes are informed by full and free discourse among 'we the people'" (cf. 1010 f.). But these specific provisions that a properly democratic constitution should include are all "formative" in character in that they serve simply to found or constitute "government through full and free discourse." As such, they are importantly distinguished from all "'substantive' political norms, principles, and proposals, including . . . comprehensive assessments," the mark of a formative principle being "precisely that adherence to it is explicitly neutral to all political conflicts, because [such adherence] is nothing other than commitment to politics by the way of reason. In contrast, a substantive claim takes sides within one or more possible political disagreements" (1012). But, then, just as all necessary *formative* provisions should be included in the specific provisions of a properly democratic constitution, all *substantive* provisions should, for the same reason, not be included. This means that a properly democratic constitution whose specific provisions should include all so-called civil rights should not include among its provisions any social and economic rights, all of which are properly the business, not of the constitution, but of government by the people, and thus by the way of reason, *under* the constitution (cf. 1017 f.).

*But isn't a constitution confined to civil rights and exclusive of certain social and economic rights fraudulent, in that it fails to take account of the basic needs that have to be met if, indeed, all members of the political community are to be together as equals?—* No, such a constitution is not fraudulent because "affirming that all have substantive economic and social rights [that] the state should secure is one thing, and stipulating those rights constitutionally another. That democracy itself will fail without substantive justice does not entail that principles [of substantive justice] should be constitutionally determined" (cf. 1017 f.). The difference between constitutional law and statutory law is not the same as the difference between more important and less important, so that the great importance of certain substantive rights automatically entitles them to be stipulated constitutionally. It is arguable, on the contrary, that "substantive justice is too important to be constitutionally defined, because no such definition can be valid unless it can be contested and redeemed by argument." Moreover, were substantive rights to be constitutionally stipulated, securing them would be integral to the ethics of citizenship, and they would be immune to contestation, all political assessments of all citizens being required to be consistent with them. Therefore, all that can be said if democracy, or popular sovereignty, is to prevail, is that a "democratic constitution *anticipates* that full and free political discourse will be, at least in tolerable measure successful and thus will, through statutory law, provide or promote for all citizens the substantive conditions necessary to full political equality. Insofar as this anticipation is unmet, the political community is at odds with its constitution, not the constitution with itself. Success in the constituted political process cannot be constitutionally guaranteed, and this is simply to say that government by the people depends entirely on the people" (cf. 1018)

"[T]he comprehensive question" is "the question of what comprehensive assessment is valid and how it should be applied in particular governmental laws and policies" (1013).